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SUBJECT: 301 DESIGNATION: NORWEGIANS TALK TO INDUSTRY

REF: A. STATE 41912
 [1](#)B. OSLO 174
 [1](#)C. OSLO 117
 [1](#)D. 2008 OSLO 95

[1](#)1. (SBU) Trade Ministry Director General Ole Andreas Lindeman expressed little surprise at Reftel A points, redesignating Norway on the Special Watch list. The central issue involves the GON's patent protections on certain pre-1992 American pharmaceuticals (Reftels B-D). Lindeman placed the designation in the context of the recent Informal Commercial Exchange (ICE) talks held in Washington. The ICE talks included the possibility of industry-GON cooperation. Industry has suggested to the GON that it could look beyond the existing patent dispute. In turn, industry requests that the GON ensure, moving forward, that patent-infringing generics on the Norwegian market are removed from the state-approved drug list. This is commercially important, as only drugs on that list will be bought by the GON--by far the biggest drug customer in Norway.

[1](#)2. (SBU) There has not yet been any agreement on this proposal. Lindeman did note that the GON and industry continue to meet and discuss the issue on an ad-hoc basis. The GON is now reviewing the legal implications of industry's suggestions. These include evaluating different legal dispute processes possibly used when determining whether a generic is legally on the market. Post will update with any new information.

WHITNEY